

# **Application**

# ALCOHOL SALES SPECIAL EXCEPTION APPLICATION INFORMATION SHEET

City of Key West Planning Department  
3140 Flagler Avenue, Key West, FL  
(305) 809-3720



Please read the following carefully before filling out the application

## Application Process

- After submittal, the application will be reviewed by the Development Review Committee (DRC).
- **When the application is determined to be complete**, it will be brought forth to the Planning Board. If the application is approved, there is a 10 day appeal period.
- After the 10 day appeal period, the application will be sent to the Department of Community Affairs (DCA) for rendering. The rendering period is 45 days.

## **PLEASE NOTE:**

- Applicants are notified of their scheduled Planning Board hearing date.
- Attendance at the formal public hearing is mandatory.
- Notice of Public Meeting is published in the newspaper.
- Owners of property within 300 feet of the subject property or parcels are notified by mail.
- Notice of public hearing will be posted on the property and must be left up until after the hearing.

## FEE SCHEDULE

Alcohol Sales Special Exception	\$2,000.00
Advertising and Noticing Fee	\$ 100.00
Fire Department Review Fee	\$ 50.00

**Please include the following with this application:**

1. A copy of the most recent recorded warranty deed with the Book and Page numbers from the office of the Clerk of Circuit Court for Monroe County containing a legal description of the subject parcel. The application forms must be signed by all owners listed on the deed. For business/corporate ownership, please attach authorization for name of executive authorized to make the application.
2. An application fee is determined according to the attached fee schedule. Make the check payable to the City of Key West and include the site address on the memo portion of the check.
3. Verification and Authorization Forms (available online at [keywestcity.com](http://keywestcity.com) under forms and applications or they can be picked up at the Planning Department)
4. PDF or compatible electronic format of entire application on compact disk.

If you have any questions, please call the Planning Department. We will be happy to assist you in the application process.



THE CITY OF KEY WEST  
Planning Department

**SPECIAL EXCEPTIONS ARE QUASI-JUDICIAL HEARINGS  
AND IT IS IMPROPER TO SPEAK TO PLANNING BOARD  
MEMBERS ABOUT THE REQUEST  
OUTSIDE OF THE HEARING**

***Alcohol Sales Special Exception  
Application***

Please print or type a response to the following:

1. Site Address 534 Eaton Street, Key West, Florida 33040
2. Name of Applicant Richard McChesney - Spottswood, Spottswood, Spottswood & Sterling, PLLC
3. Applicant is: Owner \_\_\_\_\_ Authorized Representative X  
(please see the attached Verification & Authorization Forms)
4. Address of Applicant 500 Fleming Street  
Key West, Florida 33040
5. Phone # of Applicant (305) 294-9556 Mobile# \_\_\_\_\_ Fax# \_\_\_\_\_
6. **E-Mail Address** richard@spottswoodlaw.com
7. Name of Owner, if different than above Artist House of Key, LLC, joined by Artist House Management Group, LLC
8. Address of Owner 1132 SE 2nd Avenue  
Ft. Lauderdale, Florida 33316
9. Phone Number of Owner (954) 618-1776 Fax# \_\_\_\_\_
10. Email Address jbaresq@aol.com
11. Zoning District of Parcel HNC-1 RE# 00006490-000000
12. Description of Use and Exception Requested  
The property currently operates as a bed and breakfast, with complimentary drinks provided to guests.  
The property owner wishes to continue providing complimentary drinks, along with the sale of alcoholic  
beverages consistent with the operation of a guesthouse.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Please note that any special exception granted hereunder may be approved with conditions, which conditions shall be monitored in accordance with Section 18-610. The exception shall be to the applicant only, shall not be transferable and shall only be effective in conjunction with the use(s) specified in the application. The Planning Board recognizes public input and how the applicant has demonstrated a "good neighbor policy" by contacting or attempting to contact all noticed property owners who have objected to the application, and by addressing the objections expressed by these neighbors. Further, the Planning Board can consider any other factors they determine relevant to the public's health, safety and welfare.

The Planning Board may only grant the requested alcohol sales special exception after considering the following criteria. Please provide a response as to how this proposed use and exception meet or fulfill these criteria:

13. Demonstrate compatibility with surrounding existing uses:

Please see attached letter.

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14. Demonstrate the extent of conflict between the proposed use and the hours of operation of the facilities:

Please see attached letter.

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15. What are the mitigative measures proposed to be implemented by the applicant:

Please see attached letter.

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**SPOTTSWOOD, SPOTTSWOOD, SPOTTSWOOD & STERLING, PLLC**  
ATTORNEYS AND COUNSELORS AT LAW  
500 FLEMING STREET  
KEY WEST, FLORIDA 33040

JOHN M. SPOTTSWOOD, JR.  
WILLIAM B. SPOTTSWOOD  
ERICA H. STERLING  
CRISTINA L. SPOTTSWOOD  
WILLIAM B. SPOTTSWOOD, JR.  
RICHARD J. McCHESNEY

Telephone | 305-294-9556  
Facsimile | 305-504-2696

OF COUNSEL:

JOHN M. SPOTTSWOOD (1920 -- 1975)  
ROBERT A. SPOTTSWOOD (of Counsel)

VIA HAND DELIVERY AND ELECTRONIC MAIL

December 8, 2017

Patrick Wright, Planning Director  
City of Key West Planning Department  
1300 White Street  
Key West, Florida 33040


RE: Alcohol Sales Special Exception – 534 Eaton Street, Key West, FL 33040

Dear Mr. Wright,

Please find enclosed a revised alcohol sales special exception application on behalf of my client, Artist House of Key West, LLC, a Florida limited liability company (“Applicant”), for the property located at 534 Eaton Street, Key West, Florida 33040 (the “Property”), pursuant to Section 18-28(b) of the Code of Ordinances. The Property is located within 300 feet of The Key West United Methodist Church, St. Paul’s Episcopal Church, and the Dean-Lopez Funeral Home, triggering the need for a special exception to the Code of Ordinances. The purpose for this revision is to join the Artist House Management Group, LLC, a Florida limited liability company to the application as the operating entity of the guest house.

If you have any questions regarding this application, please do not hesitate to contact me.

Very Truly Yours,

  
Richard McChesney, Esq.

RJM  
Enc:  
As stated

## **ALCOHOL SALES SPECIAL EXCEPTION APPLICATION**

12. Description of Use and Exception Requested:

The Property is located within Three-Hundred feet of The Key West United Methodist Church, St. Paul's Episcopal Church, and the Dean-Lopez Funeral Home, which triggers the requirement for an alcohol sales special exception to Sec. 18-28(a), pursuant to 18-28(b). The Applicant seeks to obtain a Historic Hotel license, also known as an "SH" license, which will allow alcohol sales on premise as an accessory use.

13. Demonstrate compatibility with surrounding existing uses:

The Property is located within the Historic Neighborhood Commercial-1 ("HNC-1") zoning district. The HNC-1 district provides that hotels, motels and lodging are a permitted use within this district. Section 122-1181 allows for accessory uses as a matter of right in any district so long as the principal use is a permitted use, as is the case here. There are several guesthouses, the Key West Theater, The Studios of Key West, restaurants and other commercial uses within the immediate vicinity of the Property.

14. Demonstrate the extent of conflict between the proposed use and the hours of operation of the facilities:

The Applicant does not believe any conflict exists between the proposed accessory use and the hours of operation of the guest house. The serving of alcohol on the Property will coincide with other similar uses in the area.

15. What are the mitigated measures proposed to be implemented by the applicant:

The business being operated at the Property already maintains a commercial waste account to accommodate the principal use.

The Applicant seeks to compliment and improve the neighborhood and is willing to implement additional reasonable measures necessary to do so.

# **Warranty Deed**

Prepared by and return to:

David Van Loon

Attorney at Law

Highsmith & Van Loon, P.A.

3158 Northside Drive

Key West, FL 33040

305-296-8851

File Number: 1709-107

Will Call No.:

Parcel Identification No. 00006490-000000

Doc# 2136986 08/30/2017 1:55PM  
Filed & Recorded in Official Records of  
MONROE COUNTY KEVIN MADOK

08/30/2017 1:55PM  
DEED DOC STAMP CL: Krys \$17,675.00

Doc# 2136986  
Bk# 2371 Pg# 831

[Space Above This Line For Recording Data]

## Warranty Deed

(STATUTORY FORM - SECTION 689.02, F.S.)

**This Indenture** made this 30th day of August, 2017 between The Artist House, LLC, a Florida limited liability company whose post office address is 534 Eaton Street, Key West, FL 33040 of the County of Monroe, State of Florida, grantor\*, and Artist House of Key West, LLC, limited liability company whose post office address is 1132 SE 2nd Avenue, Fort Lauderdale, FL 33316 of the County of Broward, State of Florida, grantee\*.

**Witnesseth** that said grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in Monroe County, Florida, to-wit:

IN THE CITY OF KEY WEST, ACCORDING TO WHITEHEAD'S MAP OF 1829, AS PART OF LOT NUMBER TWO (2) IN SQUARE NUMBER THIRTY SEVEN (37) LYING ON THE EAST SIDE OF EATON STREET. COMMENCING AT A POINT FORTY TWO (42) FEET FROM THE SOUTHWEST CORNER OF SIMONTON AND EATON STREETS, AND RUNNING THENCE ALONG EATON STREET IN A SOUTHWESTERLY DIRECTION FORTY TWO (42) FEET; THENCE AT RIGHT ANGLES IN A SOUTHEASTERLY DIRECTION ONE HUNDRED (100) FEET; THENCE AT RIGHT ANGLES IN A NORTHEASTERLY DIRECTION FORTY TWO (42) FEET THENCE AT RIGHT ANGLES IN A NORTHWESTERLY DIRECTION ONE HUNDRED (100) FEET TO THE PLACE OF BEGINNING ON EATON STREET. ALSO IN THE CITY OF KEY WEST; ACCORDING TO WHITEHEAD'S MAP OF 1829. IN PART OF LOT NUMBER TWO (2) IN SQUARE THIRTY-SEVEN (37) LYING ON THE EAST SIDE OF EATON STREET. TO GET TO THE POINT OF BEGINNING 84' IN A SOUTHWESTERLY DIRECTION FROM THE SOUTHWEST CORNER OF SIMONTON AND EATON STREETS; THENCE AT RIGHT ANGLES IN A SOUTHEASTERLY DIRECTION FOR A DISTANCE OF APPROXIMATELY 85' TO THE POINT OF BEGINNING. FROM THE POINT OF BEGINNING, CONTINUE IN A SOUTHEASTERLY DIRECTION APPROXIMATELY 15'; THENCE AT RIGHT ANGLES IN A SOUTHWESTERLY DIRECTION APPROXIMATELY 11'; THENCE AT RIGHT ANGLES IN A NORTHWESTERLY DIRECTION APPROXIMATELY 15'; THENCE AT RIGHT ANGLES IN A NORTHEASTERLY DIRECTION APPROXIMATELY 11' TO THE POINT OF BEGINNING. SUBJECT TO THE EASEMENT RESERVED BY 'THE ARTIST HOUSE BY DARRYL MEYER, INC.' OVER THE FOLLOWING DESCRIBED REAL PROPERTY. THE EASEMENT SHALL BE A PERPETUAL EASEMENT AND A COVENANT RUNNING WITH THE LAND BURDENING THE PROPERTY DESCRIBED ABOVE AND BENEFITING THE PROPERTY COMMONLY KNOWN AS 400 SIMONTON STREET WHICH ABUTS THE PROPERTY DESCRIBED ABOVE. THE PURPOSE OF THE EASEMENT SHALL BE FOR INGRESS AND EGRESS, MAINTENANCE AND UTILITIES. THE EASEMENT TRACT BEING DESCRIBED AS FOLLOWS: A PARCEL OF LAND ON THE ISLAND OF KEY WEST, AND KNOWN AS A PART OF LOT 2, IN SQUARE 37 ACCORDING TO WILLIAM A, WHITEHEAD'S MAP, DELINEATED IN FEBRUARY A.D. 1829, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS: COMMENCE AT



THE INTERSECTION OF THE SE'LY RIGHT OF WAY LINE OF EATON STREET AND THE SW'LY RIGHT OF WAY LINE OF SIMONTON STREET AND RUN THENCE SW'LY ALONG THE SE'LY RIGHT OF WAY LINE OF THE SAID EATON STREET FOR A DISTANCE OF 42.0 FEET; THENCE SE'LY AND AT RIGHT ANGLES FOR A DISTANCE OF 32.9 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SE'LY ALONG THE PREVIOUSLY DESCRIBED COURSE FOR A DISTANCE OF 38.0 FEET TO THE NW'LY FACE OF A CONCRETE SLAB; THENCE SW'LY AND AT RIGHT ANGLES AND ALONG SAID CONCRETE SLAB FOR A DISTANCE OF 1.5 FEET; THENCE NW'LY AND AT RIGHT ANGLES FOR A DISTANCE OF 38.0 FEET; THENCE NE'LY AND AT RIGHT ANGLES FOR A DISTANCE OF 1.5 FEET BACK TO THE POINT OF BEGINNING.

and said grantor does hereby fully warrant the title to said land, and will defend the same against lawful claims of all persons whomsoever.

\* "Grantor" and "Grantee" are used for singular or plural, as context requires.

**In Witness Whereof**, grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

Doc# 2136986  
Blk# 2371 Pg# 832

The Artist House, LLC, limited liability company

By: Raymond Kearney  
Raymond Kearney, Managing Member

Witness Name: Kasey Libaratore

Witness Name: David Van Loon

By: Joanna Kearney  
Joanna Kearney, Managing Member

Witness Name: Kasey Libaratore

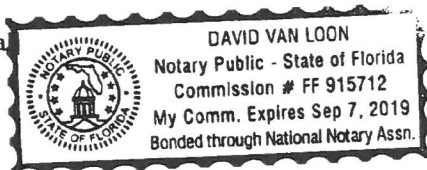
Witness Name: David Van Loon

(Corporate Seal)

State of Florida  
County of Monroe

The foregoing instrument was acknowledged before me this 30th day of August, 2017 by Raymond Kearney and Joanna Kearney of The Artist House, LLC, limited liability company, on behalf of the corporation. They ☐ are personally known to me, or ☒ have produced a driver's license as identification.

[Notary Seal]



Notary Public

Printed Name: David Van Loon

My Commission Expires: 9-7-19

# Verification Form

City of Key West  
Planning Department



Verification Form

(Where Authorized Representative is an entity)

I, Richard McChesney, in my capacity as Associate Attorney  
(print name) (print position; president, managing member)

of Spottswood, Spottswood, Spottswood & Sterling  
(print name of entity serving as Authorized Representative)

being duly sworn, depose and say that I am the Authorized Representative of the Owner (as appears on the deed), for the following property identified as the subject matter of this application:

534 Eaton Street, Key West, Florida 33040

Street Address of subject property

All of the answers to the above questions, drawings, plans and any other attached data which make up the application, are true and correct to the best of my knowledge and belief. In the event the City or the Planning Department relies on any representation herein which proves to be untrue or incorrect, any action or approval based on said representation shall be subject to revocation.

Richard McChesney  
Signature of Authorized Representative

Subscribed and sworn to (or affirmed) before me on this October 31, 2017 by  
date

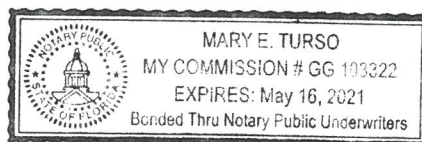
Richard McChesney  
Name of Authorized Representative

He/She is personally known to me or has presented \_\_\_\_\_ as identification.

Mary E. Turso  
Notary's Signature and Seal

MARY E. TURSO

Name of Acknowledger typed, printed or stamped



\_\_\_\_\_  
Commission Number, if any

# **Authorization Form**

City of Key West  
Planning Department



Authorization Form  
(Where Owner is a Business Entity)

Please complete this form if someone other than the owner is representing the property owner in this matter.

I, Jason Barnett as  
*Please Print Name of person with authority to execute documents on behalf of entity*

Manager of Artist House of Key West, LLC  
*Name of office (President, Managing Member)* *Name of owner from deed*

authorize Richard McChesney - Spottswood, Spottswood, Spottswood & Sterling  
*Please Print Name of Representative*

to be the representative for this application and act on my/our behalf before the City of Key West.

[Signature]  
*Signature of person with authority to execute documents on behalf on entity owner*

Subscribed and sworn to (or affirmed) before me on this 10/31/17  
*Date*

by Jason G. Barnett  
*Name of person with authority to execute documents on behalf on entity owner*

☒ He/She is personally known to me or has presented \_\_\_\_\_ as identification.

[Signature]  
*Notary's Signature and Seal*

Escarlet Saavedra  
*Name of Acknowledger typed, printed, or stamped*

[Notary Seal]  
*Commission Number if any*

**City of Key West  
Planning Department**



**Authorization Form**  
(Where Owner is a Business Entity)

Please complete this form if someone other than the owner is representing the property owner in this matter.

I, Jason Barnett as  
*Please Print Name of person with authority to execute documents on behalf of entity*

Manager of Artist House Management Group, LLC  
*Name of office (President, Managing Member)* *Name of owner from deed*

authorize Richard McChesney - Spottswood, Spottswood, Spottswood & Sterling  
*Please Print Name of Representative*

to be the representative for this application and act on my/our behalf before the City of Key West.

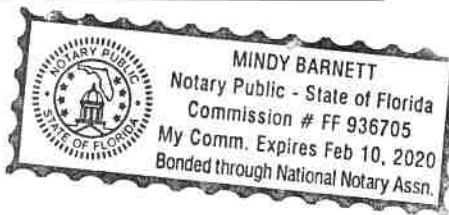
Jason G. Barnett  
*Signature of person with authority to execute documents on behalf on entity owner*

Subscribed and sworn to (or affirmed) before me on this Dec 8, 2017  
*Date*

by Jason G. Barnett  
*Name of person with authority to execute documents on behalf on entity owner*

He/She is personally known to me or has presented as identification.

Mindy Barnett  
*Notary's Signature and Seal*



Mindy Barnett  
*Name of Acknowledger typed, printed or stamped*

FF936705  
*Commission Number, if any*

# Site Plans





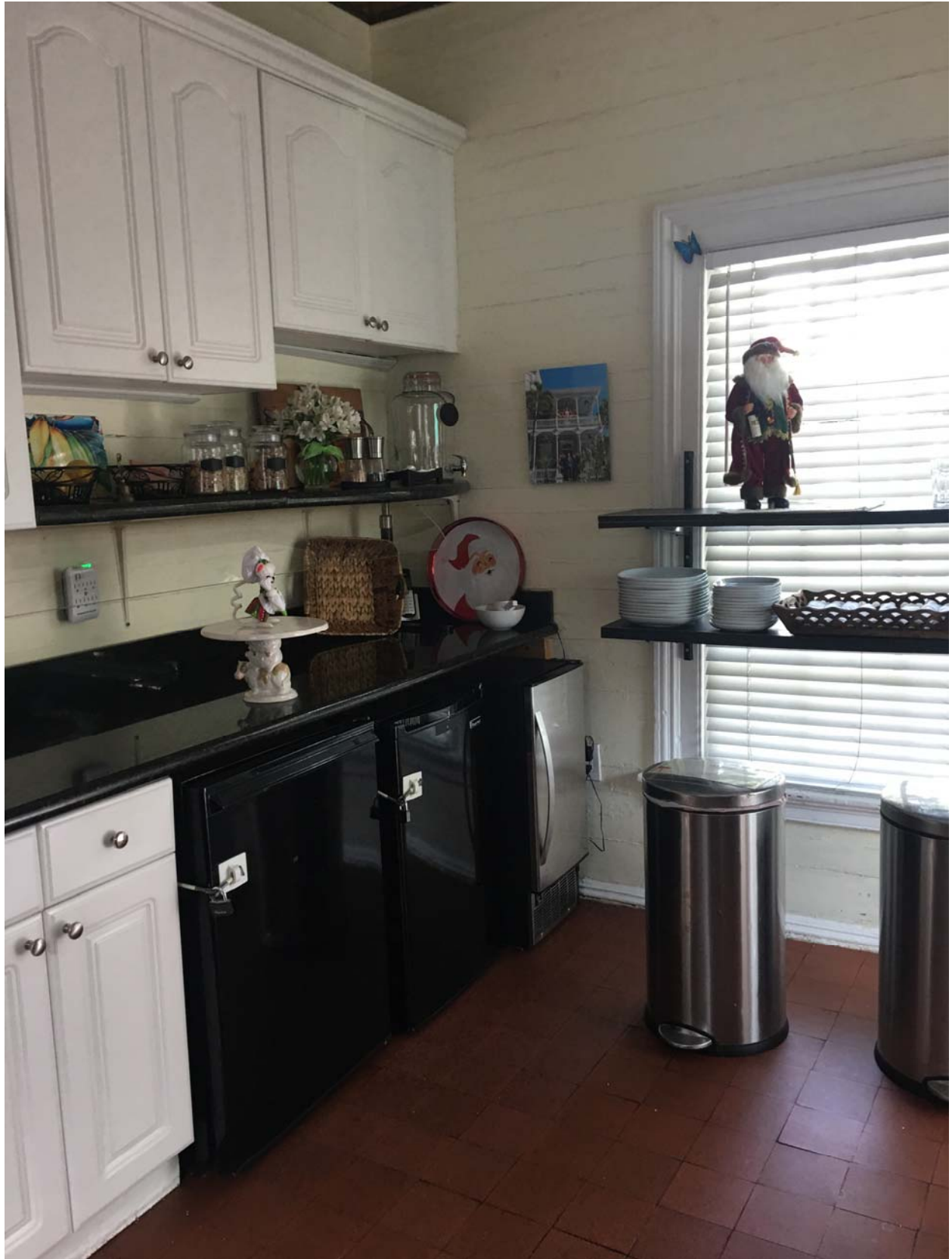




# Site Visit









534 Eaton Street, Key West, Florida 33040  
SITE VISIT



534 Eaton Street, Key West, Florida 33040  
SITE VISIT





534 Eaton Street, Key West, Florida 33040  
SITE VISIT





534 Eaton Street, Key West, Florida 33040  
SITE VISIT







# **Additional Information**



### Disclaimer

The Monroe County Property Appraiser's office maintains data on property within the County solely for the purpose of fulfilling its responsibility to secure a just valuation for ad valorem tax purposes of all property within the County. The Monroe County Property Appraiser's office cannot guarantee its accuracy for any other purpose. Likewise, data provided regarding one tax year may not be applicable in prior or subsequent years. By requesting such data, you hereby understand and agree that the data is intended for ad valorem tax purposes only and should not be relied on for any other purpose.

By continuing into this site you assert that you have read and agree to the above statement.

### Summary

**Parcel ID** 00006490-000000  
**Account #** 1006726  
**Property ID** 1006726  
**Millage Group** 10KW  
**Location** 534 EATON ST, KEY WEST  
**Address**  
**Legal** KW PT LOT 2 SQR 37 G21-150/153 OR589-9 OR589-10 OR688-676 OR805-1427/1428 OR937-2219  
**Description** OR937-2220 OR937-2221 OR937-2222 OR966-1285R/S OR966-1286R/S OR996-1458 OR1082-1432/1433 OR1456-739/740 OR1463-331/332 OR1471-1023/1024 OR1492-1758/59 OR2016-1229/31 OR2376-1331/33 OR2871-831/32  
 (Note: Not to be used on legal documents)  
**Neighborhood** 32040  
**Property Class** HOTEL/MOTEL (3900)  
**Subdivision**  
**Sec/Twp/Rng** 06/68/25  
**Affordable** No  
**Housing**



### Owner

ARTIST HOUSE OF KEY WEST LLC  
 1132 SE 2nd AVE  
 Ft Lauderdale FL 33316

### Valuation

	2017	2016	2015	2014
+ Market Improvement Value	\$1,141,571	\$0	\$0	\$0
+ Market Misc Value	\$126,841	\$0	\$0	\$0
+ Market Land Value	\$1,268,412	\$2,055,023	\$2,055,023	\$1,852,973
= Just Market Value	\$2,536,824	\$2,055,023	\$2,055,023	\$1,852,973
= Total Assessed Value	\$2,260,525	\$2,055,023	\$2,038,270	\$1,852,973
- School Exempt Value	\$0	\$0	\$0	\$0
= School Taxable Value	\$2,536,824	\$2,055,023	\$2,055,023	\$1,852,973

### Land

Land Use	Number of Units	Unit Type	Frontage	Depth
COMMERCIAL DRY (100D)	4,340.00	Square Foot	42	100

### Commercial Buildings

**Style** HOTEL/MOTEL B / 39B  
**Gross Sq Ft** 4,803  
**Finished Sq Ft** 3,475  
**Perimeter** 0  
**Stories** 3  
**Interior Walls**  
**Exterior Walls** AB AVE WOOD SIDING  
**Quality** 500 ()  
**Roof Type**  
**Roof Material**  
**Exterior Wall1** AB AVE WOOD SIDING  
**Exterior Wall2**  
**Foundation**  
**Interior Finish**  
**Ground Floor Area**  
**Floor Cover**

Full Bathrooms	8
Half Bathrooms	0
Heating Type	
Year Built	1900
Year Remodeled	0
Effective Year Built	1998
Condition	EXCELLENT

**Yard Items**

Description	Year Built	Roll Year	Quantity	Units	Grade
BRICK PATIO	1973	1974	1	745 SF	2
FENCES	1975	1976	1	168 SF	5
FENCES	1977	1978	1	1163 SF	2
UTILITY BLDG	1979	1980	1	66 SF	3
RES POOL	1983	1984	1	99 SF	5
FENCES	1999	2000	1	210 SF	2

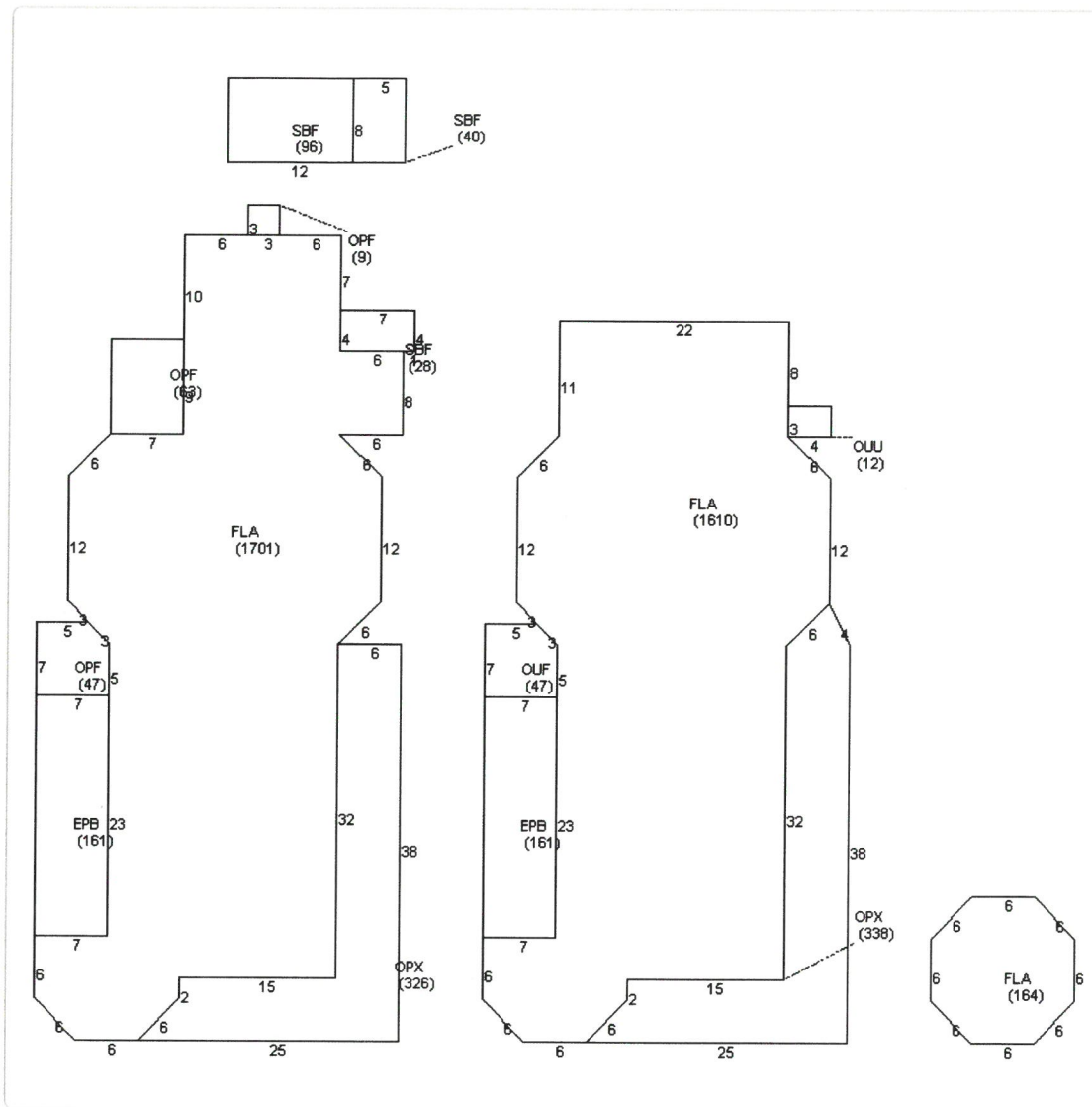
**Sales**

Sale Date	Sale Price	Instrument	Instrument Number	Deed Book	Deed Page	Sale Qualification	Vacant or Improved
8/30/2017	\$2,525,000	Warranty Deed	2136986	2871	831	01 - Qualified	Improved
8/15/2008	\$2,130,000	Warranty Deed		2376	1331	Q - Qualified	Improved
6/14/2004	\$1,985,000	Warranty Deed		2016	1229	Q - Qualified	Improved
1/1/1998	\$850,000	Warranty Deed		1492	1758	Q - Qualified	Improved
2/1/1989	\$480,000	Warranty Deed		1082	1432	Q - Qualified	Improved
2/1/1986	\$340,000	Warranty Deed		966	1285	Q - Qualified	Improved
4/1/1985	\$112,500	Warranty Deed		937	2220	U - Unqualified	Improved
4/1/1985	\$112,500	Warranty Deed		937	2219	U - Unqualified	Improved

**Permits**

Number	Date Issued	Date Completed	Amount	Permit Type	Notes
14-5214	11/19/2014		\$24,000		INTERIOR BATHROOM MODIFICATION FOR 3 CLAW FEET TUBS REPAIR 145 SF OF FRONT PORCH, REPLACE REAR KITCHEN STEPS, INSTALL AC CONCRETE PAD,
09-2924	9/2/2009		\$1,000	Commercial	BATHROOM TILES/ BACK SPLASH, REPLACE VINYL BATHROOM FLOOR AND REPAINT. REMOVE FIXED HARDWARE, REPLACE BATHROOM FIXTURES.
09-1254	5/1/2009		\$5,500	Commercial	ROOF OVER EXISTING ROOFING SYSTEM
05-4360	10/3/2005	10/31/2005	\$1,300	Commercial	EMERGENCY ROOF REPAIRS
0102446	7/3/2001	10/11/2001	\$2,000	Commercial	UPGRADE TO 200AMP SERVICE
0101971	5/16/2001	10/11/2001	\$1,055	Commercial	2 SQS STYRENE
9903755	11/12/1999	12/16/1999	\$1,000	Commercial	WOOD FENCE
9801511	6/2/1998	11/3/1998	\$25,000	Commercial	PAINT BLDG
9602641	6/1/1996	8/1/1996	\$400	Commercial	ELECTRICAL
B953938	11/1/1995	12/1/1995	\$800	Commercial	SBF IN ATTIC
B951504	5/1/1995	10/1/1995	\$750	Commercial	REPAINT 800 SF SIDING

Sketches (click to enlarge)



### Photos



1006726 534 EATON ST 05-08-09



## Map



No data available for the following modules: Buildings, Mobile Home Buildings, Exemptions.

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Last Data Upload Data: 12/14/2017 4:54:08 AM



Developed by  
The Schneider  
Corporation